1947 File No. P.S.C./47

K

Legal DEPARTMENT
C BRANCH

Subject:—

Orders and references relating to the Public Service Commission

(R 7/F)

File No. P.S.C./47

Std. Sectt. Slip 24 B e.

49-C

C O N T E N T S.

Local Department File No. 100/47.

No.	Date.	Subject.	Pages.
	P & SD.GR 1017/34 31.7.47.	B.P.S.C. — Dissolution of the Bombay State and constitution of an Independent Commission for the Province of Bombay.	1-2.
	LD/O.N. 1180/47 dated 8.12.47.	Do. Exclusion of doctrinal posts from the purview of the Public Service Commission.	(Not copied). 3-6.
	H P &SD. Cir. No. 2048/34. 1.12.47.	B.P.S.C. Need to follow the correct procedure in the matter of consulting the .... in making appointments lying with in its purview.	7-8.
	P&SD. CM. 1865/34 17.12.47.	Decree in Law. Mention of — in requisition forms sent to the Public Service Commission as a qualification for posts advertised by it.	9-10.

NT. 2C/5.

Office of the A. E. C.

The following posts have been excluded from the purview of the Public Service Commission (vide Annexure to the Regulations enclosed in G.M.,.P.A.S.' Deptt. 1763/34 dated 1.4.43) :-

Entry No. in the Annexure.	Designation of post.
7)	The Advocate General.
8)	i) Government Solicitor. ii) Public Prosecutor for Bombay iii) Asstt. Public Prosecutor for Bombay.
9)	The Government Pleader, High Court, Bombay.
10)	The District Government ~~Pleaders~~ Pleaders and Public Prosecutor, their Assistants and Honorary Assistants to Government Pleaders.

The Administrative Enquiry Committee desires to know the reasons why the decision as at 'A' was taken. The L.D. may be requested to furnish the information and forwarded its papers to this office for perusal.

2. The Chairman of the Commission will be interviewed by the Administrative Enquiry Committee on 10th Dec. The L.D. may therefore be requested to furnish the information so as to reach this office not later than 8th December.

Id/- .....
6.12.47.

Id/- .....
8/12.

U.O.R. to L.D. dated 6-12-47.

RVT. 21/6.

The requisite information is as follows :-

(a) Advocate General, Bombay. Section 55 of the Government of India Act, 1935 provides that the appointment of the Advocate General shall be made by the Governor in his individual judgement.

(b) Solicitor to Government.)
Public Prosecutor for Bombay.) Prior to October 1938 the post of Solicitor to Government
Assistant Public Prosecutor for Bombay.)

and Public Prosecutor for Bombay was held by one of the partners of Messrs. Little & Co., In November 1938 this post was split up into following four posts and were excluded from the provision of P.S.C.

1. Government Solicitors (Messrs. Little & Co.)
2. Solicitor to Government (in the Legal Deptt.)
3. Assistant Solicitor to Government (in the the Legal Department).
4. Public Prosecutor for Bombay.

As regards (2) & (3) it was decided that the same should be excluded. Subsequently posts at Nos 2 & (3) were included. Vide see P. & S.D. G.R. No. 1869/34 dated 26-1-44. The duties of the two posts at (1) & (4) are coextensive with the Advocate General while the Solicitors to Government is a firm.

(c) C.P. High Ct. and D.G.Po P.P. and Hon. Asstts.

The Government Pleaders and Public Prosecutors are part time Government servants and their conditions of service etc are governed by special rules viz. Law Officers (Conditions of Service) Rules.

In view of the facts stated above the posts in question have been excluded from the purview of the Public Service Commission.

3. The L.D. files containing the relevant papers are forwarded herewith. They may please be returned when done with.

Sd/- [redacted]

for Secretary to Government.

U.O. to Office of the Administrative Enquiry Committee No. 11854 dated 9th December 1947.

EVI. 21/5.

Bombay Public Service Commission.

Need to follow the correct procedure in the matter of consulting the ---------- in making appointments lying within its purview.

GOVERNMENT OF BOMBAY
Political and Services Department.
Circular No. 2048/34.
Bombay Castle, 1st December 1947.

CIRCULAR OF GOVERNMENT.

The Bombay Public Service Commission has been repeatedly complaining that it is not being consulted by the Secretariat Departments at the proper stage in making appointments to posts lying within its purview and that in several cases its acquiescence is sought after appointments are actually made. It is no doubt true that owing to exigencies of service, Departments have, on some occasions, to make appointments urgently but the due ~~date~~. The Commission has assured Government that in such cases it will be ready to deal with the matter urgently and will make every effort to make its recommendations by the due date. The Departments of the Secretariat are, therefore, requested to see that the procedure laid down for making appointment to posts lying within the purview of the Commission is strictly followed in all cases. If for any special reason it is found, in any particular case, impossible to make a reference to the Commission before making an appointment, the Department concerned should make the appointment subject to the approval of the Commission and then make a reference to the Commission without avoidable delay.

By order of the Governor of Bombay,

Sd/-

For Chief Secretary to the Government of Bombay
Political and Services Department.

To

All Departments of the Secretariat (except the separate Department)

Copy forwarded for information to:-

The Private Secretary to the Governor.
The Secretary, Bombay Public Service Commission.

EVY. 21/5.

Degree in Law.

Mention of .....
in requisition forms sent
to the Public Service
Commission as a qualification
for posts advertised by it.

GOVERNMENT OF BOMBAY,
Political and Services Department,
Circular Memorandum No. 1536/34.
Bombay Castle, 17th December 1947.

CIRCULAR MEMORANDUM.

The Bombay Public Service Commission has brought to the notice of this Department that in a number of requisitions forwarded to it for advertising posts, the Departments of the Secretariat mention that candidates possessing a degree in Arts, Science, Commerce or Agriculture are eligible but do not state whether graduates in Law are also eligible. The reason why a degree in Law has not been specifically mentioned in some of the recruitment rules is that prior to the introduction of the new LL.B. course by the University of Bombay, a graduate in Law was necessarily a graduate in Arts, Commerce etc. Since however, a graduate in Law is not now ipso facto a graduate in Arts etc., it is necessary to mention the degree in Law specifically along with other Bachelor's degrees as a qualification for the posts, unless in any particular case it is intended to exclude Law graduates. The Departments of the Secretariat (except the Separate Department) are, therefore, requested to bear this requirement in mind when sending requisition forms to the Commission for advertising posts.

By order of the Governor of Bombay,

I.H. TAUNTON,

Chief Secretary to the Government of Bombay,
Political and Services Department.

To

To

All Departments of the Secretariat (except the Separate Department),

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Copy forwarded with compliments to the Secretary, Bombay Public S rvice Commission.

EVY. 21/5.